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EXAMINER

SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,923

Applicant(s)

HOLTZ ET AL.

Examiner

John L. Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>15,16,19</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed February 26, 2004, claims 1-43 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-20, 21, 24, 26, 28-30, 36-37 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffberg et al (US 5,875,108).

Regarding claims 13-15, Hoffberg et al discloses a system for multimedia production of training distributing a lesson to at least one client (Col 26, lines 51-58) enabling preparation of a sequence of production commands to control a plurality of production devices (Col 31, lines 52-57) to thereby produce a show or show segment (Col 38, lines 40-67 and Col 39, lines 1-15), authorizing execution of said sequence of production commands (Col 40, lines 29-31), where the authorization occurs in response to a favorable evaluation (claim 14) and an analysis and evaluation are presented to allow correction and refinement of a sequence prior to authorizing (claim 15) (Col 40, lines 15-37).

Regarding claim 16, Hoffberg et al discloses a system and method for interactive training comprising accessing a training lesson (Col 26, lines 51-58), providing instructions to prepare a sequence of commands to control a plurality of production devices (Col 31, lines 52-57) to

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thereby produce a show or show segment, and executing the sequence to create said show or show segment (Col 38, lines 40-67 and Col 39, lines 1-15).

Regarding claim 17, Hoffberg et al discloses a system and method for interactive training in which the lesson is accessed from a local storage medium (Col 38, lines 40-52).

Regarding claim 18, Hoffberg et al discloses a system and method for interactive training in which accessing a lesson is accomplished through a wireless interface with a remote medium (Col 62, lines 55-58).

Regarding claim 19, Hoffberg et al discloses a system and method for interactive training in which access and distribution of show material is accomplished over the Internet (Col 81, lines 20-25).

Regarding claim 20, Hoffberg et al discloses a system and method for interactive training in which commands in a command sequence allow distribution of a show or show segment to one or more destinations (Col 40, lines 45-61).

Regarding claim 21, Hoffberg et al discloses a system and method for interactive training comprising accessing a training lesson (Col 26, lines 51-58), distributing instructions to prepare a sequence of commands to control a plurality of production devices (Col 31, lines 52-57) to thereby produce a show or show segment, enabling a sequence of commands in a lesson to create a show using a plurality of programmable devices (Col 30, lines 12-20) including at least a teleprompting system, among others (Col 89, lines 17-37), and authorizing execution of said sequence of commands (Col 40, lines 29-31).

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Regarding claim 24, Hoffberg et al discloses a system and method for interactive training comprising evaluating user performance against past lessons and authorizing on a favorable evaluation (Col 37, lines 45-57).

Regarding claim 26, Hoffberg et al discloses a system and method for interactive training comprising tracking the placement of a user within a plurality of lessons (Col 37, lines 2-19).

Regarding claim 28, Hoffberg et al discloses a system and method for interactive training comprising distributing a lesson to a device associated with a user (Col 30, lines 12-26), enabling preparation of a sequence of commands to control a plurality of production devices to create a show or show segment representative of an educational lesson (Col 38, lines 40-67 and Col 39, lines 1-15), authorizing execution of said sequence of commands (Col 40, lines 29-31), and allowing access to a messaging center during a training session (Col 40, lines 46-61).

Regarding claims 29-30, Hoffberg et al discloses a system and method for interactive training comprising a messaging system sending announcements to one or more users (claim 29), and alerting a user to an incoming message (claim 30) (Col 37, lines 3-19).

Regarding claims 36-37, Hoffberg et al discloses a system and method for interactive training comprising a client for accessing one or more lessons and a matriculation controller for allowing access to a plurality of instructions to a student for preparing a sequence of commands to thereby create a production and an automation control sequence to execute commands (claim 36) and security means for governing access to one or more lessons (claim 37) (Col 37, lines 2-45).

Regarding claim 41, Hoffberg et al discloses a system and method for interactive training comprising distributing a lesson to a device associated with a user (Col 30, lines 12-26), enabling

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preparation of a sequence of commands to control a plurality of production devices to create a show or show segment representative of an educational lesson (Col 38, lines 40-67 and Col 39, lines 1-15), and authorizing execution of said sequence of commands (Col 40, lines 29-31).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al (US 5,875,108) in view of Owens et al (US 6,315,572).

Regarding claim 1, Hoffberg et al discloses a system for multimedia production of training imagery connecting a user to the system over a bi-directional communication connection (Col 27, lines 8-15), providing an automation control system for executing a sequence of commands to control a plurality of production devices (Col 30, lines 12-25 and Col 31, lines 33-40) to thereby produce a show or show segment (Col 38, lines 40-67 and Col 39, lines 1-15), and

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communication between the automation system and the user including the execution of a sequence of commands to the system (Col 37, lines 20-35). Hoffberg et al does not specifically disclose a tutorial processing means for providing a production control lesson to a student. However, Owens et al teaches a networked system for sending a tutorial to a plurality of students to be displayed at a remote site with bi-directional means of communicating with the student (Col 5, lines 20-33 and Fig.1), and a multimedia production means for communicating with production devices in response to a signal from the tutorial processing means or client apparatus (Col 5, lines 34-50). Therefore, it would have been obvious to one of ordinary skill in the art to produce a system connecting a user to the system over a bi-directional communication connection, providing an automation control system for executing a sequence of commands to control a plurality of production devices to thereby produce a show or show segment, communication between the automation system and the user including the execution of a sequence of commands to the system as disclosed by Hoffberg et al and providing a tutorial processing means for providing the production control lesson to a student as taught by Owens et al for the purposes of increasing the efficiency of training users to reduce the average number of selections for device control and the time to access required functions.

Regarding claim 2, Hoffberg et al discloses a system for multimedia production with evaluation means for determining the performance of a user of the system (Col 40, lines 38-45) and an input interface for interaction with the system (Col 38, lines 53-65). Hoffberg et al does not specifically disclose a tutorial means for sending a lesson test to a user, or guidance means for sending study guide to a user based upon the performance on a lesson test. However, Owens et al teaches a computer based training system with a tutorial means for sending a lesson test to a

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user (Col 5, lines 20-33), and post-test guidance through a feedback from the student's performance and the delivery of study guides on a demand basis (Col 15, lines 43-55).

Therefore, it would have been obvious to one of ordinary skill in the art to provide a multimedia production system with evaluation means for determining the performance of a user of the system, an input interface for interaction with the system as disclosed by Hoffberg et al with a tutorial means for sending a lesson test to a user, and guidance means for sending study guide to a user based upon the performance on a lesson test as taught by Owens et al. Combining the system disclosed by Hoffberg et al with the teachings of Owens et al provides an educational system for instructing users in the production of multimedia content offerings with testing and assisted feedback to help users learn to produce multimedia offerings more rapidly.

Regarding claims 3 and 12, Hoffberg et al discloses a system for multimedia production in which the communications means for supporting bi-directional communication comprises the Internet or an on-line service such as America Online (Col 61, lines 45-56).

Regarding claim 4, Hoffberg et al discloses a system for multimedia production in which a complete set of instructions is prepared by a client for the production of a show segment using a plurality of production devices (Col 39, lines 48-67 and Col 40, lines 1-25), processing received data according to programmed instructions (Col 40, lines 29-37), and sending feedback to a user (Col 40, lines 38-45). Hoffberg et al does not specifically disclose that the system used is a tutorial system providing a production control lesson to a student. However, Owens et al discloses a networked system for sending a tutorial to a plurality of students to be displayed at a remote site with bi-directional means of communicating with the student (Col 5, lines 20-33 and Fig.1), and a multimedia production means for communicating with production devices in

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response to a signal from the tutorial processing means or client apparatus (Col 5, lines 34-50). Therefore, it would have been obvious to one of ordinary skill in the art to produce a system in which a complete set of instructions is prepared by a client for the production of a show segment using a plurality of production devices, processing received data according to programmed instructions, sending feedback to a user as disclosed by Hoffberg et al, and a tutorial system providing a production control lesson to a student as taught by Owens et al for the purposes of producing a set of programmed instructions by a student in which the program instructions are valid and executable prior to implementing them within the production system.

Regarding claim 5, Hoffberg et al discloses producing a complete and consistent set of instructions for controlling at least one of a plurality of production devices for producing a plurality of video images (Col 38, lines 40-67). Hoffberg does not specifically disclose producing a production script. However, Owens et al teaches an authoring system in which multimedia files are linked to one another by context or relation (Col 5, lines 52-56) and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected (Col 11, lines 62-67 and Col 12, lines 1-18). Owens et al does not specifically teach that the authoring system defines directions to prepare a script or a set of media production commands for the script. However, text information in script format is one of the objects used by a lesson to convey conceptual information as provided to the student by the authoring system along with media commands associated with the text script (Col 7, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide an authoring system for controlling at least one of a plurality of production devices for producing a plurality of video images as disclosed by Hoffberg et al with multimedia capabilities capable of

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producing directions to prepare a script and media production commands to produce imagery for a show segment as taught by Owens et al for the purposes of establishing a baseline of commands against which a student's performance may be tested.

Regarding claim 7, Hoffberg et al discloses that multimedia production lessons built by the authoring system comprise text, and a plurality of image types such as video graphics and animation (Col 38, lines 40-67 and fig. 30).

Regarding claim 8, Hoffberg et al does not specifically disclose sending a study guide based on test performance. However, Owens et al teaches a method for training in which a study guide may be requested and sent to a student covering any data previously sent in a test (Col 15, lines 43-55). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to send a study guide to a student based on test performance as taught by Owens et al for the purposes of more rapidly improving the skill of the student through testing feedback and directed study.

Regarding claim 9, Hoffberg et al does not specifically disclose sending at least one lesson test to a student. However, Owens et al teaches a system and method in which lesson tests are compiled and sent to students (Col 5, lines 20-34). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to send at least one lesson test to a student as taught by Owens et al for the purposes of determining areas in which the student is deficient in knowledge of the system.

Regarding claim 10, Hoffberg et al does not specifically disclose determining the performance of a student on a supplied lesson test. However, Owens et al teaches an evaluation means for determining the performance of the student on the test (Col 5, lines 61-67 and Col 6,

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lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to determine the performance of a student on a supplied lesson test to provide feedback to the user as taught by Owens et al for the purposes of improving a student's performance by providing an ongoing indicator of academic performance.

Regarding claim 11, Hoffberg et al does not specifically disclose sending a study guide to a student based upon the student's performance on the supplied lesson test. However, Owens et al teaches a method for training in which a study guide may be requested and sent to a student covering any data previously sent in a test based upon previous performance on a test (Col 5, lines 61-66 and Col 15, lines 43-55). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to send a study guide to a student based upon the student's performance on the supplied lesson test as taught by Owens et al for the purposes of building knowledge more rapidly by allowing the student to focus on the information targeted by the study guide.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al in view of Owens et al in further view of Peters (US 5,577,190). Hoffberg et al discloses sending instructions to a plurality of devices to control the production of imagery (Col 38, lines 40-67) and sending test to a teleprompting device (Col 89, lines 17-37). Hoffberg et al does not specifically disclose assigning transition effects, or control camera shots. However, Owens et al teaches an authoring system in which multimedia files are linked to one another by context or relation (Col 5, lines 52-56) and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected (Col 11, lines 62-67 and Col 12, lines 1-18). Owens et al does not specifically disclose a system with a set of media commands

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that includes assigning transition effects and control camera shots. However, Peters teaches a network capable media editing system with adjustable source material that includes the generation of media commands such as motion effects, text effects and transition effects (Col 8, lines 33-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide instructions to a plurality of devices to control the production of imagery and sending test to a teleprompting device as disclosed by Hoffberg et al, an authoring system in which multimedia files are linked to one another by context or relation and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected as taught by Owens et al and a network capable media editing system with adjustable source material that includes the generation of media commands such as motion effects, text effects and transition effects as taught by Peters. Combining the disclosure of Hoffberg et al with the teachings of Owens et al and Peters provides a system capable of performing multimedia production education for students interested in controlling said multimedia equipment in a production studio.

7. Claims 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al in view of Stuppy (US 6,146,148).

Regarding claims 25 and 27, Hoffberg et al does not specifically disclose authorizing access in response to determining that a user is approved to access a lesson (claim 25), or authenticating user identity to implement said authorizing (claim 27). However, Stuppy teaches that a user must be authenticated through a login id process prior to being authorized to access training lessons on the system (Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to produce a training system in

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which a user must be authorized for access in response to determining that a user is approved to access a lesson and that authenticating user identity is the means for authorizing access as taught by Stuppy. Combining the system disclosed by Hoffberg et al with the teachings of Stuppy produces a system in which an instructor may protect the training system from unauthorized use.

8. Claims 31-32, 40 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al in view of Watterson et al (US 6,458,060).

Regarding claims 31, 32 and 40, Hoffberg et al discloses a system and method for interactive training comprising a messaging system sending announcements to one or more users and alerting a user to an incoming message (Col 37, lines 3-19). Hoffberg et al does not specifically disclose posting a message for access by one or more other users (claims 31 and 40) or authenticating user identity to access messages (claim 32). However, Watterson et al teaches a training system for inter-communication between a plurality of devices which authenticate users prior to use of the system (Fig 13) and provide a communication system in which a user communicates and interacts with a trainer in real time communication including audio and visual signals and messages (Col 3, lines 24-49). Messages contain a variety of content and are posted and read to and from the trainer to a plurality of users. Therefore, it would have been obvious to one of ordinary skill in the art to provide a system and method for interactive training that posts incoming messages for access by one or more users as disclosed by Hoffberg et al, and authenticating user identity for message access as taught by Watterson et al. Combining the system disclosed by Hoffberg et al with the teachings of Watterson et al produces a system with a communication loop feedback to provide correction from an instructor to authenticated users in a timely manner.

Regarding claims 42 and 43, Hoffberg et al discloses a system and method for interactive training comprising accessing a training lesson (Col 26, lines 51-58), distributing instructions to prepare a sequence of commands to control a plurality of production devices (Col 31, lines 52-57) to thereby produce a show or show segment, enabling a sequence of commands in a lesson to create a show using a plurality of programmable devices (Col 30, lines 12-20) including at least a teleprompting system, among others (Col 89, lines 17-37), and authorizing execution of said sequence of commands (Col 40, lines 29-31). Hoffberg et al does not specifically disclose a client for accessing one or more lessons (claim 42) or a plurality of training groups containing a plurality of clients for accessing one or more lessons (claim 43). However, Watterson et al teaches an instructor led training system with an interactive communication system connected to a plurality of client devices (Col 3, lines 34-49) and that a plurality of trainers and a plurality of users may be in communication and utilizing the system simultaneously, thus introducing the concept of groups of users being led by a plurality of instructors through a training regimen (Col 4, lines 8-31). Therefore, it would have been obvious to one of ordinary skill in the art to provide an interactive training comprising accessing a training lesson, distributing instructions to prepare a sequence of commands to control a plurality of production devices to thereby produce a show or show segment, enabling a sequence of commands in a lesson to create a show using a plurality of programmable devices including at least a teleprompting system, among others as disclosed by Hoffberg et al, with an instructor led training system with an interactive communication system connected to a plurality of client devices and that a plurality of trainers and a plurality of users may be in communication and utilizing the system simultaneously, thus introducing the concept of groups of users being led by a plurality of instructors through a

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training regimen as taught by Watterson et al for the purposes of using peer/instructor interaction to increase the education experience for each user.

9. Claims 22,23,38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al in view of Ho et al (US 6,398,556).

Regarding claims 22,23,38 and 39, Hoffberg et al does not specifically disclose verifying payment for a training session (claim 22), accepting electronic payment for a training session (claim 23), accepting or verifying payment for lessons (claim 38), or invoicing a user for accessing lessons (claim 39). However, Ho et al teaches an educational training system in which tracking and updating processes on use of the system can be for billing and accounting purposes and for creating invoices (Col 6, lines 65-67 and Col 7, lines 1-2), and that such tracking of payments is accomplished on a per server basis for electronic traffic through the server (Col 12, lines 43-49). In tracking and supporting payment invoicing for traffic on a server it would be obvious to support an electronic payment capability as the information is already in electronic format on a network server. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to provide a training system with the capability to verifying payment for a training session, accepting electronic payment for a training session, accepting or verifying payment for lessons, or invoicing a user for accessing lessons as taught by Ho et al. Combining the system disclosed by Hoffberg et al with the teachings of Ho et al produces a system in which each of access and use is increased through virtual billing and invoicing.

10. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al in view of Watterson et al in further view of Stuppy.

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Regarding claims 33-35, Hoffberg et al does not specifically disclose an instructor interface (claim 33), a communicator enabling voice or video transmissions to a second client or instructor (claim 34), or a means for blocking user access to a lesson or a portion of a lesson (claim 35). However, Watterson et al teaches an instructor to client communication system that enables text and audio transmissions in bi-directional communication with clients (Col 3, lines 24-49). Hoffberg et al does not disclose nor does Watterson et al teach a means for blocking user access to a lesson or a portion of a lesson. However, Stuppy teaches the requirement of a login procedure in order for clients to access the lessons provided by the instructor communication capability (Fig 3). Requiring a login procedure to access the system allows an instructor to block user access to one or more lessons or portions of lessons by instructor modification of logins accepted by the system. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Hoffberg et al to utilize an instructor interface, a communicator enabling voice or video transmissions to a second client or instructor as taught by Watterson et al, and to enable a means for blocking user access to a lesson or a portion of a lesson as taught by Stuppy. Combining the system disclosed by Hoffberg et al with the teachings of Watterson et al and Stuppy provides a system with flexible instructor control over training access and content of the system.

Response to Arguments

Applicant's arguments filed February 26, 2004 have been fully considered but they are not persuasive. Applicant's representative presents the argument that the Hoffberg et al reference does not recite "a sequence of commands to control a **plurality** of production devices to thereby

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create a show or show segment (or production)” (emphasis is that of applicant’s representative).

However, the Examiner would like to point out that in programming a VCR a portion of the programming also controls a video display monitor (turn-on, turn-off, channel selection) and that the VCR and video monitor constitute a plurality of production devices. In addition, as is shown in the Hoffman et al reference at Col 38, lines 40-67, programming the plurality of production devices to record all or part of a series of shows does indeed constitute the production of a show or show segment for use as a tutorial for students.

Applicant’s representative presents the argument that the prior art cited does not teach or suggest “a user...being authorized to access a training lesson”. However, the Examiner would like to point out that the login capability recited in the Stuppy reference is used as a security device, just as the function in the instant application requires, and does indeed teach a user (the instructor) being authorized to access a training lesson, even if the access is on behalf of a student.

Applicant’s representative has questioned the use of the Watterson reference’s reliance upon a continuation-in-part for priority in the instant case as the Examiner has purportedly not provided evidence that the parent case does contain the teaching that is being relied upon in the above rejection. The Examiner would like to point out that at least one of the parent cases cited for priority in the Watterson reference, application 09/496,560, now patent 6,447,424, does indeed contain the referenced teaching of “an instructor to client communication system that enables text and audio transmissions in bi-directional communication with clients” (see the Abstract, Fig 2 and the text description of the function of the device shown in Fig 2) and does, therefore, have priority over the instant case.

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Please see the above rejection for a response to the balance of the arguments presented by Applicant's representative.

The rejection of claims 1-43 is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

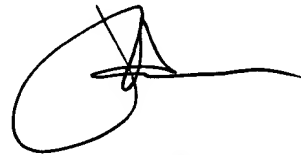
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jls
May 13, 2004

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish.

JESSICA HARRISON
PRIMARY EXAMINER